

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2614 of 2007

Haziani Firoz B.

..Petitioner

Versus

Central Bank of India & Ors..Respondents

Mr. Y.R. Mehta, for the Petitioner

**CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.**

DATED : 16TH APRIL, 2007.

P.C.

. From the order dated 14th February, 2003 para.8 it is clear that the petitioner herein who was defendant No.4 had filed his affidavit and had only stated that they have albeit only formally, stood as guarantors. They had signed the deed of guarantee, which, however, according to them was blank at that time. Considering the evidence an order was passed against the defendant Nos. 1 to 3. No order was passed against the petitioner herein.

. A review came to be preferred to contend that the order should also have been passed against the petitioner. By order dated 25th October, 2004 the learned Tribunal proceeded on the footing, that the miscellaneous application was an application for rectification of a clerical/typographical mistake in the operative part of the judgment and accordingly corrected the order to include the defendant No.4 also. The Appeal preferred was dismissed by order dated 23rd January, 2007. Hence the present petition.

2. The contention of the petitioner is that the Tribunal has no power under Section 152 of the C.P.C. In our opinion considering the error committed it was open to the Tribunal to correct the said error in the exercise of power to do justice. At any rate this would not be a fit case for this Court to exercise its extra ordinary jurisdiction. Hence petition rejected.

(F.I.REBELLO, J)

(R.M. SAVANT,J)